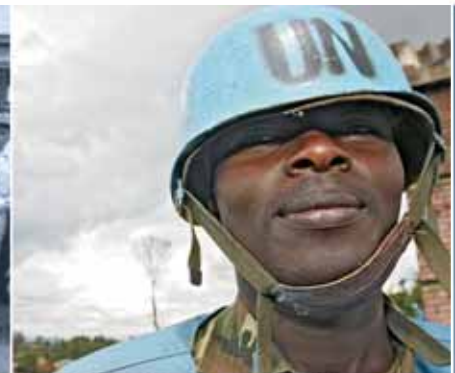


# R2P<sub>CS</sub>

RESPONSIBILITY TO PROTECT ENGAGING CIVIL SOCIETY

## RESPONSIBILITY TO PROTECT: FROM PRINCIPLE TO PRACTICE



# The UN Summit and the Responsibility to Protect: From Principle to Practice

In September 2005, world leaders endorsed a historic declaration that the international community has a “responsibility... to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity” and expressed a willingness to take timely and decisive action when states “manifestly fail” to protect their own populations from these grave threats.

This is a commitment by the international community to take action and save lives in the face of man-made suffering. International responses to genocides and other mass atrocities have been too late and inconsequential, if at all. Failures to generate the political will to act and the assertion by some states of sovereign right to be free from all outside scrutiny - even in cases of the most egregious human rights violations - have resulted in a deadly cycle of inaction.

Never again should the international community's response to these crimes be found wanting. Let us resolve to take collective actions in a timely and decisive manner. Let us also commit to put in place early warning mechanisms and ensure that preventive interventions are the rule rather than the exception.

- Rwandan President  
Paul Kagame



*In Southern Darfur, tens of thousands of people lined both sides of the road leading to the Kalma camp to greet UN Secretary-General Kofi Annan.*

UN Photo # 77098

# Righting a history of past failures

The world summit in September 2005 was a historic opportunity to reaffirm the purposes and values of the United Nations Charter. World leaders were asked to commit to strengthening international institutions to ensure that global security challenges are met with global responses. One of the challenges was to move beyond the disastrous history of inaction and indifference toward massive violations of human rights, genocide and ethnic cleansing. In the Summit Outcome Document, world leaders agreed that they have a responsibility to protect populations and to act on this responsibility.<sup>1</sup>

The Responsibility to Protect (R2P) is an international security and human rights doctrine which includes several important principles:

- The primary responsibility for the protection of populations lies with the state. This is a recognition that sovereignty includes not just rights, but responsibilities;
- When governments are unable or unwilling to protect their populations from genocide, war crimes, crimes against humanity and ethnic cleansing, the international community has a responsibility to take action;
- The international community's responsibility is a continuum of measures including prevention, reaction to violence, if necessary, and rebuilding shattered societies. R2P emphasizes peaceful measures including mediation and protection of people through humanitarian, human rights and police missions.

R2P has gained the support of many civil society organizations because it affirms and balances the rights of individuals vis-à-vis the sovereign state. It establishes a basis for accountability, not only for the offending state's failures, but also for those of the international community; and it codifies the international community's responsibility for prevention as well as reaction. The Responsibility to Protect doctrine offers civil society and the public a mechanism to hold world leaders accountable for the protection of civilians.

Another very important step taken by the Summit was the clear acceptance of all UN Members of the **responsibility to protect** civilian populations against genocide, war crimes, ethnic cleansing and crimes against humanity... International inaction has been recognized as unacceptable, especially where national governments are unwilling or unable to act. Of course, robust action must be a last resort. Our focus should really be on earlier, non-violent ways to prevent conflicts or political upheavals from reaching such a point. At the same time, let us do our utmost to ensure that when we are tested again, as we surely will be, we will honor the solemn pledge made by Heads of State and government in New York last month.

- UN Secretary-General Kofi Annan to UNHCR: "World Summit made remarkable commitment to humanitarian community," October 7, 2005

<sup>1</sup> The Responsibility to Protect doctrine was formulated by the International Commission on Intervention and State Sovereignty (ICISS) in a 2001 Report entitled *Responsibility to Protect*. To read the report, please go to [www.iciss.ca](http://www.iciss.ca).

## ORIGIN OF R2P

In his addresses to the General Assembly in 1999 and 2000, UN Secretary-General Kofi Annan challenged Member States to resolve the conflict between the principle of non-interference regarding state sovereignty and the responsibility of the international community to respond to massive human rights violations and ethnic cleansing. The government of Canada responded by forming a panel of international experts, the International Commission on Intervention and State Sovereignty (ICISS), which conducted a series of consultations among governments, non-government organizations (NGOs), inter-governmental organizations, universities and think tanks, and issued its report, *The Responsibility to Protect*, in 2001.

Responsibility to protect is also about hope. Responsibility to protect is our joint commitment to an individual's right to life. And a promise that he or she will not fall victim to genocide, war crimes or ethnic cleansing while the rest of the world goes about business as usual.

-Lithuanian President Valdas Adamkus



## Brief Timeline of the International Community's Response to Genocide, Crimes against Humanity, War Crimes and Ethnic Cleansing in the 1990's

The following timeline represents only a brief summary of three situations to exemplify the international community's lack of action. This is in no way intended to imply that these were the only three situations of genocide, war crimes, crimes against humanity or ethnic cleansing in the 1990's, nor is it intended to provide a comprehensive summary of the three situations.

### 1991-1995: GENOCIDE AND ETHNIC CLEANSING IN FORMER YUGOSLAVIA

- 5 April 1992 Bosnia declares independence from Yugoslavia.
- 6 April 1992 Massive peace marches take place, fighting starts and Serb forces begin the siege of Sarajevo.
- 30 May 1992 The UN imposes sanctions on Serb-led Yugoslavia, due to atrocities committed against civilians by Serb forces.
- June 1992 Reports of ethnic cleansing, concentration camps, mass rapes and slaughter of Muslims begin to emerge.
- February 1993 The United Nations Security Council sets up the International Criminal Tribunal for the Former Yugoslavia.
- 16 April 1993 United Nations Security Council Resolution 819 declares Srebrenica, which had fallen into Serbian hands, a Safe Haven. A total of six Muslim towns are established as Safe Havens under the supervision of UN peacekeepers.
- 4 February 1994 Serb forces kill 68 people and wound over 200 in Sarajevo through a shelling attack at the market. NATO issues an ultimatum for Serbs to withdraw from Sarajevo, and for all parties to give up their heavy weapons to UN observers.
- March 1995 UN withdraws a substantial number of troops.
- 11 July 1995 At Srebrenica, U.N. peacekeepers stand by as the Serbian forces systematically select and slaughter nearly 8,000 men and boys between the ages of twelve and sixty. This is later declared a genocide.
- 21 November 1995 Dayton Peace Accords are signed, thought by many to effectively cement the results of ethnic cleansing.
- 29 February 1996 Final day of the siege of Sarajevo. Since the beginning of the siege on 5 April 1992, 12,000 people were killed and 50,000 wounded. About 329 shells per day fell on Sarajevo.
- November 1999 The UN completes an inquiry into the fall of Srebrenica. "Through error, misjudgment, and an inability to recognize the scope of the evil confronting us, we failed to do our part to save the people of Srebrenica from the Serb campaign of mass murder" says the report.

### 1994: GENOCIDE IN RWANDA

- 7 April 1994 The Rwandan armed forces and Interahamwe militia begin the systematic killing of Tutsis and moderate Hutus. UN forces, unable to breach their Chapter VI mandate, fail to intervene.
- 14 April 1994 Belgian troops withdraw from the UN Mission.
- 21 April 1994 The UN Security Council votes unanimously to withdraw most troops from Rwanda, reducing troop size from 2,500 to 270. Tens of thousands have been killed.
- 30 April 1994 The UN issues a statement condemning the killing but omits the word 'genocide.' Tens of thousands of refugees flee into neighboring Burundi, Tanzania and Zaire.
- Mid-May 1994 The IRC estimates that 500,000 Rwandans have been killed.
- 17 May 1994 The UN Security Council issues a resolution saying that "acts of genocide may have been committed". It also agrees to send 5,500 troops. Deployment is delayed by disagreements between the US and UN over the financing of the operation.
- 22 June 1994 Since UN troops have still not been deployed, the Security Council authorizes the deployment of French troops in southwest Rwanda. "Operation Turquoise" creates a safe zone in government-controlled territory, but troops fail to protect civilians and the massacre of Tutsis continues inside the safe zone.
- 18 July 1994 The Tutsi Rwandan Patriotic Front captures Kigali and announces that the war is over. French troops withdraw and are replaced by Ethiopian UN troops. Approximately 800,000 have been killed in less than four months.
- 15 December 1999 The 1999 *Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda* concludes that the failure to prevent or stop the genocide "was a failure of the system as a whole" due to the "persistent lack of political will" by Member States.

## 1999: ETHNIC CLEANSING IN KOSOVO

- 31 March 1998 UN Security Council adopts Resolution 1160 condemning the excessive use of force by the Serbian police force against Kosovar civilians.
- 23 September 1998 UN Security Council approves Resolution 1199, which calls for an end to hostilities and warns that, "should the measures demanded in this resolution . . . not be taken . . . additional measures to maintain or restore peace and stability in the region" will be considered.
- 29 September 1998 The UN High Commissioner for Refugees announces that 200,000 civilians have been displaced within Kosovo since fighting began in February.
- 6 February 1999 Peace talks begin in Chateau Rambouillet, in France, only to be suspended in March.
- 20 March 1999 Yugoslavia launches an attack that displaces thousands of ethnic Albanians and summarily executes many.
- 24 March 1999 NATO begins air-strikes, without authorization of the UN Security Council. Tens of thousands Kosovar Albanians have fled.
- 18 April 1999 The UN estimates that over one million Kosovar Albanians have fled their homes since the bombing started.
- 24 May 1999 UN official Sergio Vieira de Mello states Serb forces have committed ethnic cleansing against Kosovar Albanians.
- 3 June 1999 The Government of Yugoslavia accepts an internationally-brokered peace plan calling for the withdrawal of all forces from Kosovo, and the entry of international peacekeepers under a UN mandate.
- 10 June 1999 Confirming the withdrawal of security forces from Yugoslavia, NATO ends its 78-day bombing campaign. The Security Council passes Resolution 1244, which charges the Secretary-General with establishing an international civilian administration in Kosovo. It sets up the UN Mission in Kosovo (UNMIK), which encompasses an interim civil administration led by the UN, humanitarian aid led by UNHCR (UN Refugee Agency), reconstruction led by the European Union and institution building led by the OSCE (Organization for Security and Cooperation in Europe). A NATO peacekeeping force provides security.

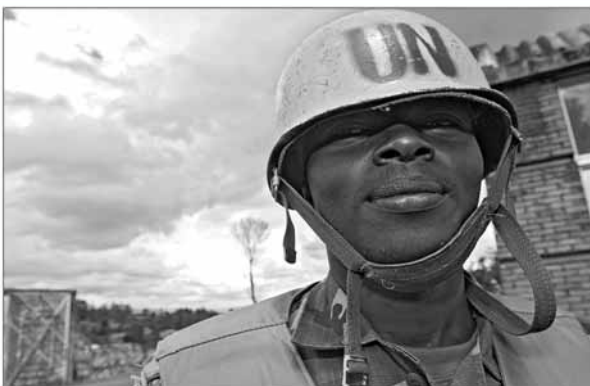


*Kosovar refugees fleeing their homeland in the former Yugoslav republic of Macedonia in March 1999.*  
UN Photo# 202461C

## Role of the use of force

World leaders agree that when states fail to protect their populations, they must apply a range of diplomatic, humanitarian and other peaceful measures. When political, diplomatic, economic and legal preventive steps are inadequate, the international community has a responsibility to act. This may include, as a last resort, the use of force to halt or avert genocide, war crimes, crimes against humanity or ethnic cleansing.

Several authorities have suggested that the Security Council adopt a set of precautionary criteria, including just cause, right intention, proportional means, reasonable prospects and last resort that should be applied whenever the use of force is considered in these circumstances. These criteria could serve as indicators for when the Security Council should intervene for human protection purposes. The criteria could also be utilized to prevent the misuse of R2P principles to disguise non-protection military motives. If the Security Council, regional organizations and other actors faithfully apply preventive measures, the international community may avert a disaster without resorting to the threat or use of force.



*A United Nations Operation in Burundi (ONUB) peacekeeper in front of the demobilization center that receives ex-combatants to be demobilized or integrated into national defense armed forces.*

UN Photo # 55855

The "responsibility to protect" is frequently debated as if it was strictly the question of military intervention, but the central issue is the rights of vulnerable people to protection. The core principle is that the sovereignty of any state that is the scene of egregious violence against civilians cannot be allowed to be a barrier to external intervention for the purposes of meeting the rights of abused populations to protection and humanitarian relief.

*- Ernie Regehr, co-founder and Executive Director of Project Ploughshares, "U.S. tries to water down 'right to protection reform,'" The Record (Kitchener-Waterloo, Ontario), September 8, 2005*

The Responsibility to Protect redefines the concept of security by emphasizing the security of people in relation to the sovereignty of states. In this context, R2P was an integral part of the larger UN Reform package, which focused on the interconnectedness of threats to human security. The Summit Outcome Document contains provisions for creating and improving institutional mechanisms to fulfill the tri-fold R2P principles to prevent, react, and rebuild. UN Member States agreed to create a Peacebuilding Commission to fill a need in the UN system for a coherent mechanism to help countries transition from war to peace. Its functions include bringing together relevant actors to marshal resources, advising on integrated strategies, focusing attention on reconstruction and institution-building efforts, providing recommendations and information to improve coordination of all relevant actors, and ensuring predictable financing. The Peacebuilding Commission will serve as a mechanism to operationalize the "responsibility to rebuild" post-conflict communities and prevent any relapse into violence.

The Outcome Document also mandated the creation of a Human Rights Council. The function of the Human Rights Council is to examine and advise on the protection of human rights, and mainstream the coordination on human rights within the UN system. The Human Rights Council would replace the UN Human Rights Commission, which is widely perceived as being plagued by inefficiency and hypocrisy. The establishment of an effective, transparent, and fair human rights mechanism will enhance the ability of the UN to preventively address conflicts that threaten populations. World leaders also committed to strengthening the Office of the High Commissioner of Human Rights, significantly by doubling its regular budget resources over the next five years.

Because the Security Council, as the primary international organ charged with maintaining peace and security, is central to R2P, improving Security Council practices is necessary to fulfill the R2P mandate. The Summit Outcome Document recommends that the Security Council reform its working methods to enhance accountability and increase transparency. One proposal that has received significant support by governments and civil society is a recommendation that the Security Council adopt a code of conduct whereby permanent members of the Security Council pledge themselves to refrain from the use of veto in cases of genocide and large-scale human rights abuses.

**Heads of state and government agreed to the following text on the Responsibility to Protect in the Outcome Document of the High-level Plenary Meeting of the General Assembly in September 2005**

**RESPONSIBILITY TO PROTECT POPULATIONS FROM GENOCIDE, WAR CRIMES, ETHNIC CLEANSING AND CRIMES AGAINST HUMANITY**

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

140. We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide.

The United Nations has a responsibility to protect populations from serious and systematic violations of international humanitarian law, in particular the Geneva Conventions. Cases of genocide, war crimes, crimes against humanity or ethnic cleansing should meet with an immediate and firm response by the Security Council. The responsibility to protect must be viewed as a concept that guarantees the achievement of the ultimate goal of State sovereignty, which is none other than safeguarding the human rights of a State's own citizens and promoting respect for the human dignity of its own people – a fundamental element of its own definition as a civilized State. That was the understanding reached last September by our heads of State and Government, who forged a new consensus so that action could be taken to avoid any recurrence of genocide such as took place in Rwanda and in Srebrenica.

*- Ambassador of Peru to the UN Mr. Oswaldo De Rivero, Security Council Open Debate 12/9/05 (in Spanish)*

...The responsibility to protect is a revolution in consciousness in international affairs... **the concept de-centers the state as the actor par excellence in international relations in favor of people**, actual human beings, who are not after all subject beyond question to the whims of their rulers. With the privileges of statehood, such as the principle of non-interference, come responsibilities, protection first among them. Any government attempting to assert the former while ignoring the latter, at the expense of its own people, is in danger of losing its privileges... (The) responsibility to protect... **de-territorializes the enforcement and protection of the rights of man, or human rights**. It is not only your government, that which asserts its sovereign power over you who live within its jurisdiction, that will either act to protect or fail to protect your rights, starting with the most basic right, your right to live. Others are called upon to act to protect you when your government does not. Where formerly there was no recourse for you but to try to flee, now you have a claim on the international community at large.

- *Tod Lindberg: Editor of the Policy Review, "Protect the people; United Nations takes bold stance", The Washington Times, September 27, 2005.*

## Get involved in the Responsibility to Protect network

The Responsibility to Protect-Engaging Civil Society (R2PCS) project works to implement the Responsibility to Protect at international, regional and national levels. The R2P Network, an international network of over 100 civil society groups working to advance the R2P principles, aims to take forward governments' commitment to R2P and ensure that governments and international institutions have the capacity to fulfill this commitment.

R2PCS is working towards the following goals:

- To strengthen the acceptance of Responsibility to Protect norms at the international, regional and national levels;
- To hold governments accountable, through our R2PCS networks, to their historic commitment to protect populations from grave threats;
- To build and improve the capacities of international, regional and national institutions to fulfill these responsibilities.

### JOIN THE NETWORK

If your organization would like to join our Responsibility to Protect Network, please visit [www.responsibilitytoprotect.org](http://www.responsibilitytoprotect.org) or send an email to [r2p-cs@wfm.org](mailto:r2p-cs@wfm.org).

### STAY UPDATED

To subscribe to our listserv, which tracks related materials, send a blank email to: [R2P-CS-info-subscribe@yahoogroups.com](mailto:R2P-CS-info-subscribe@yahoogroups.com)

## What lies ahead for civil society

Now that governments have adopted the Responsibility to Protect, civil society must help to put these principles into practice. The fact that world leaders made this commitment remains relatively unknown. It is imperative that civil society organizations **raise awareness** of this issue and promote dialogues within civil society and with governments.

While R2P has been agreed to at the highest levels of governments, it will be important to gain further expressions of **support at regional and national levels**. Civil society organizations can call for the endorsement of the Responsibility to Protect by national parliaments, regional organizations and regional parliaments.

The R2P language is not an end in itself; it is a tool to ensure that governments act in a timely fashion. It must be **invoked by civil society** when crises are at the threshold of genocide, war crimes and crimes against humanity to call for measures to protect populations in need, within a state's own borders or throughout the world.

Over the long term, R2P will be most effective if governments develop the capacity to integrate plans to undertake preventive and other measures to protect vulnerable populations into their programmes of action on security and human rights. Civil society can work to ensure that governments are aware of and are developing strategies for fulfilling these responsibilities with an emphasis on prevention and mechanisms for early non-military action.



*Almost 2 million people lost their lives under Pol Pot's brutal Khmer Rouge regime during the Cambodian genocide, from 1975-1979. At the Phnom Penh Reception Centre, the 100,000th Cambodian "returnee" is welcomed back home on August 28, 1992. UN Photo# 186095C.*

A Project of the World Federalist Movement–Institute for Global Policy  
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If your organization would like to join our Responsibility to Protect Network, please visit  
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